

1 RICHARD E. ZUCKERMAN
2 Principal Deputy Assistant Attorney General

3 HENRY C. DARMSTADTER
4 Trial Attorney, Tax Division
5 U.S. Department of Justice
6 P.O. Box 683, Ben Franklin Station
7 Washington, D.C. 20044-0683
Telephone: (202) 307-6481
Facsimile: (202) 307-0054
E-mail: henry.c.darmstadter@usdoj.gov

8 *Of Counsel*

9 NICHOLAS A. TRUTANICH
United States Attorney

10 *Attorneys for the United States of America*

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF NEVADA
13 SOUTHERN DIVISION

14 GENWORTH LIFE AND ANNUITY)
15 INSURANCE COMPANY, a Delaware) Case No. 2:18-cv-02161-JAD-PAL
16 Corporation,)
17 Plaintiff,)
18 vs.)
19 JACLYN R. HAFTER, an individual; J.H, a)
minor; G.H., a minor; BRANDON PHILLIPS,)
as Trustee of the Jacob Hafter Trust dated April)
17, 2018, THE UNITED STATES OF)
20 AMERICA, acting through the Internal)
Revenue Service, and DOES 1-5,)
21 Defendants.)
22 _____)

23 COMES NOW, plaintiff Genworth Life and Annuity Insurance Company, defendant
24 Jaclyn R. Hafter, defendant Brandon Phillips, as trustee of the Jacob Hafter Trust dated April 17,
25 2018 and defendant United States of America, on behalf of the Internal Revenue Service, an

1 agency of the United States Department of the Treasury, by and through undersigned counsel,
2 and hereby submit the following Stipulation to continue the Rule 26 and Local Rule 26-1
3 requirements due to the lapse in appropriations:

4 This Interpleader Action arises from a dispute among the defendants as to their respective
5 entitlement to death benefits payable on a life insurance policy issued by plaintiff, Genworth Life
6 and Annuity Insurance Company (hereinafter “Genworth”). On or about November 13, 2000,
7 Genworth issued a life insurance policy (hereinafter “Policy”) on the life of the Decedent (Jacob
8 L. Hafter) with a stated death benefit of \$250,000. This action is related to another interpleader
9 action currently pending in this district court, *ReliaStar Life Insurance Company v. Jaclyn R.*
10 *Hafter, et al.*, Case No. 2:18-cv-01166-APG-NJK. The *ReliaStar* action pertains to the proceeds
11 of another insurance policy issued on the life of Jacob L. Hafter.

12 At the end of the day on December 21, 2018, the appropriations act that had been funding
13 the Department of Justice expired and appropriations to the Department lapsed. The Department
14 does not know when funding will be restored by Congress. Absent an appropriation, Department
15 of Justice attorneys are prohibited from working, even on a voluntary basis, except in very
16 limited circumstances, including “emergencies involving the safety of human life or the
17 protection of property.” 31 U.S.C. § 1342.

18 All of the defendants except two minors (J.H. and G.H.) have filed answers in this case
19 (ECF Nos. 5, 7, 15, and 20). The Court has directed that the parties file a Discovery Plan and
20 Scheduling Order under L.R. 26-1 by February 1, 2019.

21 In light of the lapse in appropriations, the parties stipulate and agree that the Rule 26 and
22 L.R. 26-1 requirements be continued and that the parties file a Discovery Plan and Scheduling
23 Order on or before March 4, 2019.

1 DATED: January 17, 2019

/s/Henry C. Darmstadter
HENRY C. DARMSTADTER
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 683 Ben Franklin Station
Washington, D.C. 20044-0683
(202) 307-6481

8 DATED: January 17, 2019

Of Counsel
NICHOLAS A. TRUTANICH
United States Attorney
Attorneys for the United States

14 DATED: January 17, 2019

/s/Jennifer K. Hostetler
JENNIFER K. HOSTETLER
Lewis Roca Rothgerber Christie LLP
3993 Howard Hughes Pkwy.
Suite 600
Las Vegas, NV 89169
702-464-2624

12 Attorneys for Plaintiff Genworth Life and
13 Annuity Insurance Company

20 DATED: January 17, 2019

/s/Cary Colt Payne
CARY COLT PAYNE
Cary Colt Payne, CHTD.
700 S. Eighth Street
Las Vegas, NV 89101
702-383-9010

18 Attorney for Defendant Brandon Phillips, as
19 trustee of the Jacob Hafter Trust dated April
17, 2018

23 **IT IS SO ORDERED** this 18th
24 day of January, 2019.

25 
26 Peggy A. Leen
27 United States Magistrate Judge

/s/Alexander G. LeVeque
ALEXANDER G. LEVEQUE
STEVEN E. HOLLINGSWORTH
Solomon Dwiggins & Freer, Ltd.
Cheyenne West Professional Center
9060 W. Cheyenne Avenue
Las Vegas, NV 89129
702-589-3502

28 Attorneys for defendant Jaclyn R. Hafter

1 CERTIFICATE OF SERVICE

2 I hereby certify that on this 17th day January 2019, I electronically filed the foregoing

3 **STIPULATION TO CONTINUE RULE 26 (AND L.R. 26-1) REQUIREMENTS IN LIGHT**
4 **OF LAPSE IN APPROPRIATION** with the Clerk of Court using the CM/ECF system, which
5 will send notification of such filing to the following:

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7 **Jennifer K. Hostetler**

Lewis Roca Rothgerber Christie LLP
8 3993 Howard Hughes Pkwy.
Suite 600
9 Las Vegas, NV 89169
702-464-2624
10 Fax: 702-949-8398
11 Email: jhostetler@lrrc.com

12 **Alexander G LeVeque**

SOLOMON DWIGGINS & FREER, LTD.
13 9060 W. Cheyenne Avenue
14 Las Vegas, NV 89129
(702) 853-5483
15 Fax: (702) 853-5485
16 Email: aleveque@sdfnvlaw.com

17 **Joshua M Hood**

Lincoln, Gustafson & Cercos
18 3960 Howard Hughes Pkwy., Ste. 200
19 Las Vegas, NV 89169
702-257-1997
20 Email: jhood@lgclawoffice.com

21 **Mark A. Solomon**

SOLOMON DWIGGINS & FREER, LTD.
9060 W. Cheyenne Avenue
23 LAS VEGAS, NV 89129
702-853-5483
24 Fax: 702-853-5485
25 Email: msolomon@sdfnvlaw.com

1 **Steven E. Hollingworth**
2 Solomon Dwiggins & Freer, Ltd
3 9060 W. Cheyenne Avenue
4 Las Vegas, NV 89129
5 702-853-5483
6 Fax: 702-853-5485
7 Email: Shollingworth@sdfnvlaw.com

8 **Cary Colt Payne**
9 Cary Colt Payne, CHTD.
10 700 S. Eighth Street
11 Las Vegas, NV 89101
12 702-383-9010
13 Fax: 702-383-9049
14 Email: carycoltpaynechtd@yahoo.com

15 */s/ Henry C. Darmstadter*
16 HENRY C. DARMSTADTER III
17 Trial Attorney
18 United States Department of Justice, Tax Division
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24
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